

**EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

ANDREW J. MILLER,

Plaintiff/Counter-Defendant,

v.

No. CIV 10-171 WJ/LFG

TOWN AND COUNTRY TOW YARD,  
ACME TOW YARD, CITY OF ALBUQUERQUE,  
SGT. KEVIN ROWE, DET. CARLA PEREZ,  
DET. MARIGRACE BARRERAS,  
DET. CHADWICK J. MELVIN, OFFICE OF THE  
DISTRICT ATTORNEY, DISTRICT ATTORNEY  
KARI BRANDENBERG, DEPUTY DISTRICT  
ATTORNEY ROBIN S. HAMMER, DEPUTY  
DISTRICT ATTORNEY MARK L. DREBING,  
E&A KAP, INC., d/b/a Town and County Towing,  
ACME TOWING & RECOVERY, INC.  
DUGGER'S SERVICES, INC., MUNOS WRECKER, INC.

Defendants/Counter-Plaintiffs.

And

ROBERTA BEALE,

Plaintiff-in-Intervention

v.

ANDREW J. MILLER,

Defendant-in-Intervention,

**PLAINTIFF-IN-INTERVENTION ROBERTA BEALE'S**  
**COMPLAINT IN INTERVENTION**

COMES NOW, Plaintiff-in-Intervention, Roberta Beale, by and through her counsel of record, MARTINEZ, HART & THOMPSON, P.C. (F. Michael Hart) and for her Complaint in Intervention states:

1. Plaintiff Andrew Miller has admitted that he improperly took money from Ms. Beale.

2. Plaintiff Andrew Miller used money improperly taken from Ms. Beale to promote his personal lifestyle, and allegedly to promote musical events or concerts. In addition, Mr. Miller (Plaintiff) used money stolen from the Plaintiff to purchase all or many of the automobiles at issue in this lawsuit.

3. Plaintiff Miller has filed suit against parties he claims owes him money in connection with one or more of the vehicles.

4. Upon information and belief, any monies that Mr. Miller alleges he “lost” as a result of breaches duty or other alleged failures by the Defendants in this action, was actually money he illegally and improperly took from Ms. Beale.

5. In the event this court finds that Plaintiff Andrew Miller is entitled to recovery of any sums from any party in these proceedings, Plaintiff in Intervention Roberta Beale will seek an order attaching, or otherwise recovering such funds as amounts due and owing to her from Andrew Miller.

6. Plaintiff in Intervention is entitled to a constructive trust of any amounts recovered by Miller that results from claims Miller makes as to vehicles or other property bought with money Miller stole from Beale.

7. Plaintiff in Intervention Roberta Beale does not, by filing pleadings, or intervening in this matter, in any way support, or seek to legitimize any of the complaints or claims that have been brought by Mr. Miller in these proceedings, but intends only to protect her interests.

WHEREFORE, Ms. Beale respectfully requests that her interests be protected in these proceedings through this Complaint in Intervention, and that she be entitled to proceed, investigate the merits of the claims and defenses, and plead in these proceedings as necessary and appropriate under the circumstances.

Respectfully Submitted,

**MARTINEZ, HART & THOMPSON, P.C.**

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I HEREBY CERTIFY that a true and correct copy of the forgoing was served to all parties entitled thereto through the United States District Court CM/ECF electronic filing program, this \_\_\_\_\_ day of \_\_\_\_\_, 2011, as follows:

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**MARTINEZ, HART & THOMPSON, P.C.**

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F. Michael Hart